IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1048 OF 2005
IN
SUIT NO. 985 OF 2005

Vimla Jadavji Chheda ... PLAINTIFF

V/s.

Sanjay Ganpat Shinde & Ors. ... DEFENDANTS

Ms. M.M. Malar for V. Jagannathan for the plaintiff.
Mr. R.D. Mishra for the defendant.

CORAM : ANOOP V. MOHTA, J.
DATED : 17th March, 2006

P.C.

. Heard.

2. Admittedly the suit for recovery of money and possession of the premises in question based on an indenture dated 19.03.2006 is, still pending for the adjudication. As the defendants not transferred the business & premises, therefore present suit. However, the averments in para (2), eventhough disputed are sufficient to grant the prayer clause (b) as referred above. The defence of forged, fabricated & false documents cannot be decided at this stage.

3. In view of this present Notice of Motion is disposed of and made absolute in terms of prayer clause (b).

Clause - (b)

"that pending the hearing and final disposal of this suit the defendants, their agents and servants be restrained by an Order of Injunction of this Hon'ble Court from parting with the possession of the suit premises and/or creating any third party interest in the suit premises i.e. a shop admeasuring 330 sqr. feet Paul Panabar Chawl, Near St. Antony Church, St. Antony Colony, Tempipada, Gamdevi Road, Bhandup (W), Mumbai - 78"

4. Liberty is granted to the plaintiff for taking appropriate steps for other reliefs.

[ANOOP V. MOHTA, J.]